

The opinion in support of the decision being entered today is not binding precedent of the Board.

Paper 25

By: Trial Section Merits Panel
Board of Patent Appeals and Interferences
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

R. KENT HERMSMEYER

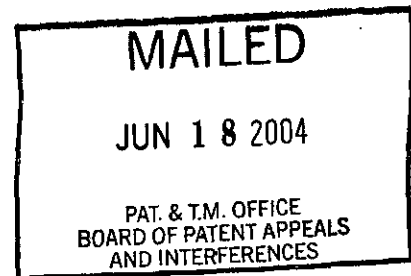
Junior Party,
(Application 10/266,379),

v.

HOWARD L. LEVINE and WILLIAM J. BOLOGNA

Senior Party
(Patent Nos. 6,054,447 and 5,985,861).

Patent Interference No. 105,186



Before: LEE, MOORE and POTEATE, Administrative Patent Judges.

POTEATE, Administrative Patent Judge.

JUDGMENT—RULE 662

On June 9, 2004, the Board received from junior party Hermsmeyer a Request for Adverse Judgment as to Counts 1 and 2 (Paper 24). Accordingly, it is

ORDERED that judgment on priority as to Counts 1 and 2 (Paper 1 at 5), the sole counts of the interference, is awarded against junior party R. KENT HERMSMEYER.

cc (via fax and first class mail):

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